

FILED

2013 JUL 22 PM 2:57
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE NASHVILLE DIVISION

Chris Sevier)		
Plaintiff)		
)		CASE NO: 3:13-00
V.)		
)		The Honorable Chief Judge
Apple Inc.)		Campbell
)		
Defendant)		JURY DEMAND
)		
)		

NOTICE OF FILING AND PROPOSED RULE 68 MOTION OFFER OF JUDGMENT FOR
THE DEFENDANT TO CONSIDER

If it is possible, as far as it depends on you, live at peace with everyone. Romans 12:18 v. Learn to do right; seek justice. Defend the oppressed; take up the cause of the fatherless; plead the case of the widow. Isaiah 1:17;

HARD CORE SETTLEMENT

NOW COMES, I, Chris Sevier, pursuant to the spirit of rule 68 of the Federal Rules of Civil Procedure and files a proposed public offer of Apple to consider.

This action has to do with the impacting sex trafficking, child exploitation, marriages, and Apple's flagrant violation of indecency laws. Apple has recklessly sold its product in a manner that exploits our biological make up. Yet, there is a self evident spiritual component to every man. The science behind this lawsuit can be found here: yourbrainonporn.com.

WHAT I'M FOR: I would like Apple to know what I am for, not what I am against. I

am for all of our families, children, grand children, and children's children. This lawsuit is designed to reduce the demand of child pornography and sex trafficking so that there will be fewer victims. This lawsuit is meant to help men be better men. This action is reasonably calculated to protect the sanctity of marriage and reduce the number of single parent homes. I am for cutting back on voyeurism. I am for keeping men out of jail who might otherwise commit sex crimes. I am for freedom of unwanted addition. I am for protecting the developing adolescent brains. I am for helping law enforcement in the fight against sex trafficking. I am for curing the social ills that started by the readily accessibility of online pornography.

ONE IS WORTH IT: If this lawsuit can save one marriage, keep one child from being used in child pornography, prevent one woman from being sex trafficked, cut one dollar given by our government to fight sex crimes, this lawsuit was well worth it, despite any personal backlash I might sustain for caring enough to bring it, as an Officer of the Court. I am not here to be pugilistic. I am a friend of Apple's. Apple should not even consider opposing my sensible request.

RECOMMENDED RULE 68 OFFER: Here is what I would accept under a Rule 68 offer of Settlement proposed by Apple :

"Blessed are the peacemakers, for they will be called children of God." Matthew 5:9

Within a reasonable amount of time, Apple will sell all of its devices with filtering software that make a good faith effort to block illicit pornographic material upon purchase in compliance with state law. If the purchaser is over 18, and they want to remove the filter, they must take the initiative to acquire a password from Apple. If the purchaser is under 18, Apple will not issue a pass word until they can prove that they are over 18 in

accordance with indecency laws in all of our states. The customer must reasonable establish that they are of age. Additionally, Apple will pay me the grand total of one penny. The token must be in mint condition, very shiny, and possess a twinge of glitter when held up to the light.

OPEN ENDED: So that there is no doubt whatsoever that this action is not about \$\$\$\$ this offer will remain open at all times throughout this proceeding. I am not here to win any popularity contests. Approval addiction is not at bar, porn addiction is. While Jay Leno and Bill O'Reilly make think this is funny, I happen to take sex trafficking, and its connection to online pornography seriously. I am here to fight for the oppress and the victims of pornography, so that they will not be injured by Apple as I was. And as an officer of the Court, I will not let that fly.

DIALOG WITH LAW ENFORCEMENT ABOUT ZAPPING: Additionally, I would like Apple to take meaningful steps to open a dialog with state and Federal law enforcement about unilaterally zapping sights like "backpages.com," were the preponderance of the evidence demonstrates conclusively that criminal activity is taking place. Apple in no way should support organized crime that is proliferated through the use of its devices as part of its agreement with its customers and Safari. Apple is not a state actor and is not subject to the first amendment. Apple can zap sights at will. If Backpage has a problem with that they can develop their own computer. Apple is under the terms and conditions of state law that prohibits selling illicit material to minors. Apple could be "zapped" by the Attorney's general's office for not complying with this sensible demand because it is blatantly violating indecency laws.

LOVE: I love the oppressed and forgotten so much that I was willing to lodge this

lawsuit and take it as far as necessary to accomplish justice. I love Apple. I love Apple's employees. But I zealously hate what porn is doing to our world, along with its inescapable connections to organized crime that is starkly intolerable. The seller has a duty to protect its customers, and we need protection from ourselves because of our biological make up. I don't know anyone who could suggest that we don't need protection for children, whether they have prudent parents or not.

SACRIFICE FOR THE OPPRESSED: I am effectively throwing myself on the grenade for the victims that are produced daily because of our collective arrogance in not recognizing the dangers of pornography on products made available on devices made by Apple. Free flow of information is not freedom, nor is it progress. Apple almost singlehandedly destroyed the music business by blatantly disregarding the copyright act. In exchange, it has proliferated sex crime and destroyed personal lives of millions. We are all "courting disaster" and lying to ourselves by not thinking that on line porn is not a systemic problem. Creating porn is not the issue. Immediacy of access on devices that provide the internet is. The device makers are at the helm of this ever growing sexual devastation.

GHOST WARS MISDIRECTION: This lawsuit was not brought to promote my band "Ghost WARS" that was misdirection to get Apple to come forward as it did publicly and suggest that this lawsuit was about greed. All of the proceeds from Ghost WARS music goes to overseas missionaries and organizations designed to fight sex trafficking. If anything were to help that object so be it. But most importantly, this lawsuit is about teenage girls who are handcuffed to radiators in Malaysia right now who are being victimized by men who were lead down this dark path because they were introduced to porn on their Apple computer unsuspectingly.

CONSISTENT VALUES: There is no reason for Apple not to agree to this reasonable offer. Apple should consider what it will suggest to its consumer base if it denies this sensible offer that is based on common sense and biology. The evidence will show that Apple is deliberately facilitating child molestation. It goes without saying that every married woman employee at Apple agrees with this sensible proposed plan. I call on them and all persons of conviction and common sense at Apple for support. Leaving monitoring up to parents is illogical and kind of arrogance for which our laws were made in the first place. Apple should thank its lucky stars that I brought this action now before class action attorneys get involved in such inevitable litigation. I implore Apple to not be my adversary but to join me, our government, and our churches, in the fight against sex trafficking, child pornography, and the destruction of marriages. If Apple protects our children, it protects our future. May the golden rule guide Apple's business decisions not greed due to a distortion of the business judgment rule.

SIGNIFICANCE OF BACKLASH: The nasty backlash to my reasonable efforts here that are designed to protect women and children from being victimized through child pornography and sex trafficking is proof positive of our need for protection of our hearts. I personally have received all manner of dangerous threats for filing this sensible lawsuit because it could interfere with established addictions. *"When a fool is annoyed, he quickly lets it be known. Smart people will ignore an insult."* Proverbs 12:16; *Blessed are those who are persecuted because of righteousness. Matthew 5:10; Father, forgive them, for they do not know what they are doing."* Luke 23:34. Such a response given what is at stake confirms the need for the adaptation of this offer.

50/50: Approximately, fifty percent of the population can attest that they are visually

stimulated, and the other 50 percent doesn't want their significant other looking at porn. No one wants minors looking at porn given the impact on their developing brain, according to state law.

KILL JOY: We have laws in place in this country, not to be a "kill joy." But because we need laws to protect us from ourselves. Apple isn't doing anybody any favors by allowing them to be sucked into the dark world of online porn because they didn't understand the gradual dangers of pornography nor did they have a computer science degree that allowed them to effectively install filtering software. We have the right to life, liberty, and the pursuit of happiness. The unwanted intrusion of internet porn, its abundance and availability, interferes with these rights. Freedom from addiction is a right that I and others have. Specifically, this lawsuit is about my right not to be injured by products I buy from greedy and negligent manufactures. The world community does not need Apple selling us products that exploit our biological make up unfairly. By selling devices on "safe mode," we are better protected from impulse access in moments of weakness or from stumbling onto addicting content that can lead to a litany of terrible behavior and consequences.

GREAT SEX: Sex is about the best thing of all time, but in the right context. We don't need the internet highjacking sex and intimacy by establishing crushing expectations, making sex about voyerism and intensity.

RIGHTS WAIVER: One of the beauties of this nation is that we have rights, but we have the right to waive those rights. By selling devices on safe mode that makes a reasonable attempt to block illicit pornography, we are protected. However, if an adult, who is over 18 would like to expose themselves to the gradual heart poisoner that pornography is scientifically proven to be, then by all means they should have at it, after all we need people to work in menial

labor. Just as 21 year olds have the right to buy beer, Apple has the option to allow them to view pornography if it wants to. The way that Apple sells its products now violates our Constitutional rights, but since Apple is not a state actor that action, none of that idealism really matters. Apple can do whatever it wants. But it cannot violate products liability tort law nor criminal law in selling porn to minors. Call it what you want but that is exactly what Apple is doing, since it comes preinstalled with software that enables you to get on the internet. Apple cannot hold itself out as a pro family business and deny my reasonable proposed offer which carries the force of law and complies squarely with the spirit of the First Amendment.

TECHNICAL LAW FOR THE HONORABLE CHIEF JUDGE CAMPBELL: From the inception of our Nation, the United States Supreme Court has encouraged parties to resolve their litigation outside of court to save expenses. Settlement negotiations are favored. While rule 408 of the Federal Rules of Evidence prohibits settlement discussions from being admitted into evidence as proof of guilt, rule 68 of the Federal Rules allows a defendant to make an public offer of settlement. However, before filing this lawsuit, I made several attempts to resolve this matter with Apple consistent with the Tennessee Rules of Professional Responsibility that encourage settlement before filing. (See DE 1 - demonstrating that this Honorable Court is a form of technical support for zealous advocates one might say.) However, my demand letters were willfully ignored by Apple, letters which included my accusations that they were in violation of the law in selling unfiltered devices to minors. Apple, however, was quick to issue a public response to my complaint in the media at time which they recklessly accused me of filing the action because I was on an unwarranted extortionist campaign, who was trying to build a platform to launch a band in the music business that they all but destroyed. That statement

amongst others was a mischaracterization of the truth in the same way that Apple would deny that it is not proliferating the destruction of men, child pornography, child exploitation, and sex trafficking by not selling their devices on safe mode. And since Apple provided a public statement that could taint the jury pool, I believe that it is consistent with the spirit of settlement law and principles of equity that I offer a proposed rule 68 offer of settlement for Apple to strongly consider. I would like there to be no question that this action is primarily about fighting organized sex crime, child exploitation, and sex trafficking. There is some authority behind a plaintiff making a form of a proposed rule 68 offer of settlement: See *Goldberg v. Pacific Indem. Co.*, 627 F.3d 752 (9th Cir. 2010) (holding because Federal Rule 68 applies only to offers of judgment by defendants, and not to offers of settlement by plaintiffs, several circuits have found that state rules that allow for some form of sanctions when a plaintiff's offer of settlement is rejected do not conflict with Federal Rule 68. *Garcia v. Wal-Mart Stores, Inc.*, 209 F.3d 1170, 1176 (10th Cir. 2000) (finding no direct conflict because "Rule 68 only governs defendants' costs, while plaintiff's costs are the subject of the Colorado statute"); *S.A. Healy Co.*, 60 F.3d at 310 ("There is no direct conflict between the Wisconsin rule concerning plaintiffs' settlement demands and any rule of federal procedure; ... Rule 68 is limited to offers by defendants."). The Plaintiff's offer here does not conflict with the Rule 68.


CONCLUSION

THE RIGHT BITE: Apple needs to take a bite out of sex crimes; instead it has taken a bite out of the "right side." I think what Apple's logo symbolizes is not just coincidental.



PROSPECTIVE: Make no mistake that by not accepting this offer Apple is admitting

that it is for child molestation, sex trafficking, and the destruction of men. Every second I work on this matter, I believe in my heart that I could be rescuing some child overseas who would otherwise be sex trafficked because I am fighting to reduce the demand side of trafficking. (It will help me heal from my wound inflicted on me by Apple). In every way that Apple opposes me, the consumer public needs to know that Apple is for sex trafficking, child pornography, and the demise of families for selfish profits. However, I am willing to settle this matter before resorting to pugilistic litigation in an extremely acrimonious fashion because what is at stake. Out of the concern for past, present, and future victims of sex trafficking, the zealous advocate wants me to direct Apple's attention to a quote from "Taken" if this offer is not accepted: "what I have are a very particular set of skills; skills I have acquired over a very long career. Skills that make me a nightmare for people like you." But what I'd prefer to have is peace. Let us sensibly work together with law enforcement in facilitating the rule of law to protect our families and resist the the societal ills that online pornography creates. My goals with this offer is that these two principles of equity are balanced. *Defend the oppressed. Take up the cause of the fatherless; plead the case of the widow. Isaiah 1:17; If it is possible, as far as it depends on you, live at peace with everyone. Romans 12:18. (See Exhibit 1).*

Respectfully Submitted,

s/Chris Sevier Esq./
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CERTIFICATE OF SERVICE:

I, Chris Sevier, warrant that this offer will be given to offer with service of process of the complaint.

s/Chris Sevier Esq./

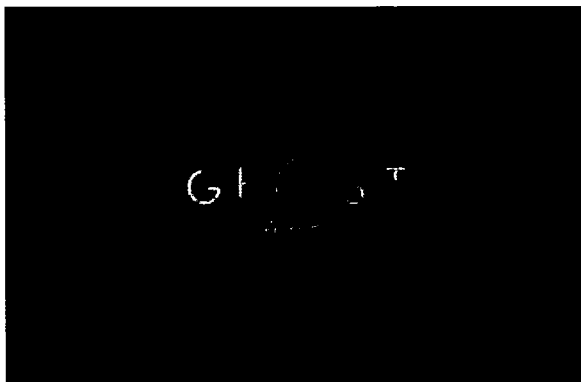
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TIMOTHY KELLER THE MEANING OF MARRIAGE

Exhibit 1

New York Times Bestselling Author of
THE REASON FOR GOD and *THE PRODIGAL GOD*

TIMOTHY KELLER

with KATHY KELLER

THE MEANING OF MARRIAGE

Facing the Complexities of Commitment
with the Wisdom of God